

**Certification Under 37 C.F.R. 1.8**

Date of Mailing or Transmission: October 27, 2011. I hereby certify that I have caused the document indicated herein on the date indicated above to be transmitted via the Office electronic filing system in accordance with 37 C.F.R. Sec. 1.6(a)(4).

BY: /Debbie Watson/  
signature

Name: Debbie Watson  
typed name

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:** Gutierrez et al.

**Examiner:** Batista, Marcos

**Serial No:** 09/412,122

**Art Group:** 2617

**Filing Date:** October 5, 1999

**Docket No:** P31434US2

**Confirmation No.** 9247

**Title:** A Common Power Control Channel in a CDMA System and a System and Method for Using such a Channel

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**COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE**

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Date: October 27, 2011

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

The Reasons for Allowance provided August 1, 2011, the Office Action is “[i]n agreement with the Applicant’s remarks, the prior art failed to disclose all the features of the claimed invention when considered as a whole . . . .” (Notice of Allowance at p. 4).

Applicant notes with appreciation the allowability of the claims. Applicant had earlier pointed out that the hypothetical combination of the device-to-deice handshake of Tsunehara with the collision avoidance device of Diachina does not provide a *prima facie* showing of obviousness, and that the references do not teach nor suggest all of Applicant’s limitations as set out by the Applicant’s claims, nor do the references provide a suggestion or motivation for their modification because the references teach against one another. In this regard, the Applicant’s invention as presented by the claims complies with the conditions for patentability under the Patent Act. *See* 35 U.S.C. §§ 101 *et seq.*; *see, e.g.*, Response after Final Office Action filed February 14, 2011.

Further, Applicant recognizes that in accordance with M.P.E.P. § 1302.14, the Examiner's reasons for allowance need not set forth all of the bases for allowance of the claims. Applicant does not concede that the Examiner's stated reasons for allowance are the only grounds for patentability of the allowed claims or that any element excluded from the Examiner's Reasons for Allowance is taught or suggested by the art of record. Also, Applicant does not concede that all of the elements identified by the Examiner are necessary to distinguish the prior art of record or to satisfy the requirements of 35 U.S.C. § 112.

In addition, the Examiner does not assert, and Applicant would not concede, that the Examiner's reasons have any bearing on the patentability of claims in any other applications directed to the disclosed subject matter.

Moreover, each dependent claim stands on its own and is allowable on its own merits. In particular, each dependent claim may be allowable on the basis of a combination of some of the features recited in the dependent claim and its base claim(s), which combination of features may not include all of the elements identified in the Examiner's reasons for allowance.

No additional fees are believed to be due. In the event that additional fees are due or a credit for an overpayment is due, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

**RESPECTFULLY SUBMITTED,**

By: /Kevin L. Smith/  
Kevin L. Smith, Reg. No. 38,620

GARLICK HARRISON & MARKISON  
P. O. Box 160727  
Austin, TX 78716-0727  
Phone: (972) 772-8836  
Fax: (972) 534-1230  
email: ksmith@texaspatents.com